

AUSTIN R. DOVE, ESQ. (CAL. SBN 180321)
LAW OFFICE OF AUSTIN R. DOVE
555 W. 5th STREET, 35th FLOOR
LOS ANGELES, CA 90013
Telephone: (213) 487-8300

Attorney (Proposed) for Defendant,
JOB TORRES HERNANDEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOB TORRES HERNANDEZ,

Defendant.

Case No.: 17-CR-00462-JSW

**DECLARATION OF AUSTIN R. DOVE IN
SUPPORT OF REQUEST FOR
SUBSTITUTION OF ATTORNEY**

1. I am an attorney at law licensed to practice law in the state of California, and am licensed in the Northern District of California. I was hired to represent Job Torres Hernandez in this matter on October 15, 2018.

2. Mr. Hernandez privately retained his current attorney, Jesse Garcia, to represent him shortly after he was indicted in August 2017. Unfortunately, the attorney-client relationship between Mr. Garcia and the defendant devolved from strained to dysfunctional.

3. The breakdown in the attorney-client relationship between Mr. Garcia and the defendant has been described as “complete” and irreparable. Mr. Hernandez agrees. If Mr. Garcia were to remain as counsel for the defendant going forward, a fair trial or plea trial may be compromised by, among other reasons, the inability of Mr. Hernandez and Mr. Garcia to effectively communicate.

1 4. As a consequence of the breakdown between Mr. Hernandez and Mr. Garcia, Mr. Hernandez
2 hired me. A few days before I was retained, Mr. Garcia filed a request for an Order Shortening
3 Time, and a Motion to Withdraw as defendant's counsel. The request for substitution of counsel
4 was initiated by the defendant.

5 5. Under the Sixth Amendment, the employment relation between privately retained counsel and
6 the defendant is essentially at-will.

7 6. I estimate that I can be ready for trial within a relatively short and reasonable period of time.
8 In the one week since being retained, I have reviewed over one thousand pages of discovery,
9 personally conducted investigation at a location where discovery suggests some of the indicted
10 acts allegedly occurred, and spoken separately with Mr. Garcia and the Assistant United States
11 Attorney representing the government. I believe that the orderly administration of justice will not
12 be skewed if the court grants me permission to sub-in on behalf of Mr. Hernandez.

13 7. During my twenty-three (23) years as an attorney, I have tried more than sixty criminal jury
14 trials, including complex and multiple defendant matters. I assure the court and counsel that I
15 would exercise full due diligence in defending the Mr. Hernandez in this case.
16

17 I declare under penalty of perjury under the laws of the state of California that the foregoing is
18 true and correct.

19 Date: October 22, 2018


Austin R. Dove